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Attorney for Defendant  
MICHAEL TOMADA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	CR-14-0285 JST
	)	
Plaintiff,	)	<b>STIPULATION AND [PROPOSED] ORDER</b>
	)	<b>VACATING DATE FOR CHANGE OF PLEA</b>
vs.	)	<b>HEARING AND SETTING NEW DATE FOR</b>
	)	<b>HEARING</b>
JEREMY DONAGAL, et al.,	)	
	)	
Defendants.	)	
	)	
	)	

The United States of America, by its attorneys, Brian Stretch, United States Attorney, and Assistant United States Attorney ("AUSA") Kevin Barry, and defendant MICHAEL TOMADA, by his attorney, Peter Goodman, hereby submit this Stipulation and [Proposed] Order requesting that the September 9, 2016, date currently set for Mr. Tomada to enter a new plea in this matter be continued and that the change of plea hearing be reset for September 30, 2016, at 9:30 a.m. The parties hereby stipulate and agree to the following:

1. At the last calling of this case, the parties requested that the Probation Department prepare a Pre-Plea Report calculating Mr. Tomada's Criminal History Category ("CHC"). On August 19, 2016, United States Probation Officer ("USPO") Jessica Goldsberry disclosed a Modified Presentence Investigation Report finding

1 that Mr. Tomada has six criminal history points which places him in CHC III.

2 2. With the information provided by USPO Goldsberry, the parties were  
3 able to finalize the terms of the Plea Agreement in this matter, which was submitted  
4 by AUSA Barry to his supervisors and subsequently approved. AUSA Barry forwarded  
5 the final version of the Plea Agreement to defense counsel earlier this week. However,  
6 owing to unanticipated exigencies in other cases he is handling, defense counsel was  
7 unable to meet with Mr. Tomada to review the Plea Agreement in sufficient time to allow  
8 the Court to review it before Mr. Tomada enters a new plea. For this reason, defense  
9 counsel reviewed the Court's schedule over the next few weeks and found that the next  
10 available date on the criminal calendar is September 30, 2016.

11 3. The parties are jointly requesting that the change of plea hearing in  
12 this matter be continued three weeks to September 30, 2016, at 9:30 a.m.

13 4. The parties further stipulate and agree that time be excluded under  
14 the Speedy Trial Act pursuant to 18 U.S.C. §§3161(h)(7)(A) and (h)(7)(B)(iv) from  
15 September 9, 2016, to September 30, 2016, to ensure the parties have adequate time  
16 to prepare. The parties further stipulate and agree that the exclusion of time agreed  
17 to herein is in the interests of justice and will serve to ensure effective assistance of  
18 counsel for defendant TOMADA.

19 SO STIPULATED

20 DATED: September 8, 2016

21 BRIAN STRETCH  
22 United States Attorney

23  
24 By:                     /s/                      
25 KEVIN BARRY  
Assistant United States Attorney

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1 SO STIPULATED

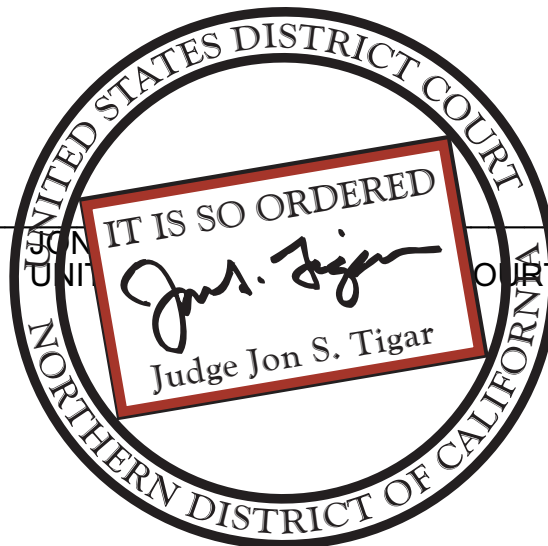
2 DATED: September 8, 2016

3  
4 /s/  
PETER GOODMAN  
Attorney for Defendant  
MICHAEL TOMADA

5  
6  
7  
8 **ORDER VACATING DATE FOR CHANGE OF PLEA**  
9 **HEARING AND SETTING NEW DATE FOR HEARING**

10 Based on the stipulation of the parties and good cause appearing therefor,  
11 IT IS HEREBY ORDERED that the September 9, 2016, date currently set for a change  
12 of plea hearing in this matter be vacated and the matter be continued to September  
13 30, 2016, at 9:30 a.m. for defendant TOMADA to change his plea. IT IS FURTHER  
14 ORDERED that time be excluded under the Speedy Trial Act pursuant to 18 U.S.C.  
15 §§3161(h)(7)(A) and (h)(7)(B)(iv) from September 9, 2016, to September 30, 2016, in  
16 the interests of justice to ensure the parties have adequate time to finalize the terms of  
17 the disposition in this matter. The Court finds that the ends of justice served by granting  
18 the continuance outweigh the best interests of the public and the defendant in a speedy  
19 trial.

20 DATED: September 8, 2016



COURT JUDGE